Summary of Annual Report 2019
The Ombudsman, Hong Kong

Performance and Results

Enquiries and Complaints Processing

In 2018/19, we received 4,991 complaints, including 349 secondary cases in topical complaints, and 10,403 enquiries.

Table 1

Enquiries and Complaints Received

Year	Enquiries	Complaints	
		Total	Excluding secondary cases
2014/15	12,940	5,339	4,911
2015/16	12,159	5,244	5,031
2016/17	11,564	4,862	4,788
2017/18	11,424	4,829	4,761
2018/19	10,403	4,991	4,642

Topical Complaints

The number of topical complaints received this year is the highest in recent years, with 349 secondary cases compared to 68 last year.

Complaints Handled

We completed processing 4,838 (83.3%) of all cases received during the year or brought forward from last year. Among these, 2,912 (60.2%) were pursued and concluded by way of inquiry, full investigation or mediation. The rest (1,926, 39.8%) were closed after assessment due to the fact that there was insufficient ground to pursue the complaint, or for jurisdictional or legal restriction reasons.

As in the past, the chief mode of our complaint handling was inquiry, comprising about 86% of all cases pursued and concluded. Yet, a significant proportion of the cases were concluded by full investigation (7%) and mediation (7%) this year.

Outcome of Investigations and Inquiries

This year, we concluded 205 complaints by full investigation, 89 (43.4%) were *substantiated, partially substantiated* or *unsubstantiated but other inadequacies found*. Among the 2,502 inquiry cases concluded, inadequacies or deficiencies were found in 326 (13%).

Table 2

Substantiation Rates of Complaints Concluded by Full Investigation

Classification	No. of Complaints	Percentage[1]
Substantiated	17	8.3%
Partially substantiated	41	20.0%
Unsubstantiated but other inadequacies found	31	15.1%
Unsubstantiated	108	52.7%
Inconclusive	4	2.0%
Withdrawn/discontinued	4	2.0%
Total	**205**	**100.0%**

[1] After rounding off, the total may not be equal to 100%.

Direct Investigation
During the year we completed 12 direct investigations on a wide range of systemic issues in public administration:

- Immigration Department’s Mechanism for Following up Cases of Unregistered Birth;
- Social Welfare Department’s Monitoring of Services of Residential Care Homes for the Elderly;
- Government’s Regulation of Proprietary Chinese Medicine;
- Food and Environmental Hygiene Department’s Rental Management of Market Stalls;
- Food and Environmental Hygiene Department’s Regulation of Market Stalls;
- Government’s Follow-up Mechanism Regarding Psychological Health Assessment of School Children;
- Housing Department’s Arrangement for Using Idle Spaces in Public Housing Estates;
- Government Departments' Handling of the Problem of Air-conditioner Dripping;
- Regulation of Illegal Burials Outside Permitted Burial Grounds by the Home Affairs Department and the Lands Department;
- Marine Department’s Arrangements for Private Vessel Moorings;
- Government’s Support for Non-Chinese Speaking Students; and
- Government’s Handling of Two Trees in front of Tang Chi Ngong Building of University of Hong Kong.

All direct investigations reports are available on our website.

Recommendations
We made 175 recommendations on completion of 205 full investigations and 78 recommendations in 12 direct investigations, giving a total of 253 recommendations. Of these, 233 (92.1%) have been accepted by the organisations for implementation and 20 (7.9%) were under consideration as at 31 March 2019.

Our Pledge Performance
This year we continued to be able to fully comply with our pledged timeframes in arranging talks and answering all enquiries. On acknowledging receipt of complaints, we issued acknowledgement within five working days in 99.3% of all complaints received.

On complaint processing, we concluded 98% of the cases falling outside jurisdiction or under restriction within ten working days (our performance pledge is not less than 70%). No case exceeded the target timeframe of 15 working days. For other cases, we concluded 85.8% within three months (against our pledge of not less than 60%). We had 0.6% of cases not concluded within our pledge timeframe of six months for reasons such as case complexity.

Table 3
Processing Time for Cases Outside Jurisdiction or Under

Restriction

	Response time		
Year	**Within 10 working days (target : >70%)**	**Within 11-15 working days (target : <30%)**	**More than 15 working days**
2014/15	90.9%	8.6%	0.5%
2015/16	98.4%	1.6%	0.0%
2016/17	97.3%	2.6%	0.1%
2017/18	97.3%	2.7%	0.0%
2018/19	98.0%	2.0%	0.0%

Table 4

Processing Time for Other Cases Concluded

	Response time		
Year	**Less than 3 months (target : >60%)**	**Within 3-6 months (target : <40%)**	**More than 6 months**
2014/15	86.3%	13.1%	0.6%
2015/16	84.8%	14.7%	0.5%
2016/17	87.6%	12.2%	0.2%
2017/18	88.3%	11.3%	0.4%
2018/19	85.8%	13.6%	0.6%

Reward and Challenge

Mediating Disputes

Among the 2,912 cases pursued and concluded, 205 cases (7%) were concluded by mediation, which is the second highest in the history of the Office. The number of Government departments and public organisations participating in mediation (26) is similar to that of last year. Among them, five participated in mediation for the first time.

The average processing time in handling a mediation case was 12.8 days. 92% of the cases were resolved within a month, and over 30% of them were resolved within 5 days. Among those complainants who had returned the questionnaire, over 90% were satisfied with the work of our mediators. All organisations which had responded to our survey were positive with the outcome of the mediation and the work of our mediators.

Transparent Government and Access to Information

During the year, we received a total of 87 complaints about

access to information ("ATI"), a 55% increase compared with the figure five years ago.

We are pleased to note that the Law Reform Commission published two consultation papers in December 2018 on the reform of the ATI regime and archives law, which had taken into account and responded to the Office's views expressed in our 2014 direct investigation reports on these subjects.

Challenges from Parties

Re-assessment of Cases and Review of Cases

During the year we received 249 requests for re-assessment, with 115 subsequently re-opened for inquiry. Moreover, we received 63 requests for review. We declined 8 requests and conducted 55 reviews. The original decision was varied in 2 cases after review and upheld for the remaining 53.

Office Administration

Staffing

We continued to build a solid base of home-grown talents and develop a healthy contingent of investigation officers. At the same time, we brought in talents with requisite experience to meet our operational demands.

At the directorate level, Ms Belinda Kwan was promoted to the rank of Assistant Ombudsman in October 2018, to take over from Mr Tony Ma, who left the office after 15 years' dedicated service in the post. Apart from the above, we appointed five investigation staff (one at Chief Investigation Officer level, one

at Investigation Officer level, and three at entry level) through open recruitment and internal promotion.

Training

As an ongoing effort to equip our staff with the skills required for efficient and effective discharge of duties, we organised our own vocational training workshops and sponsored officers to attend training programmes available in the market.

Publicity and External Relations

This year, we embarked on a new publicity campaign and an array of public and media events. We also actively engaged stakeholders from different sectors and learnt from our counterparts around the world.

In the new publicity campaign with the theme of “Positive Complaint Culture for Better Administration”, we encouraged positive attitude towards complaints and promoted tripartite synergy among citizens, Government departments/public organisations and this Office to achieve better public administration. Our commercials and print advertisements were shown on local television channels, online media platforms and public transport facilities such as train bodies, carriages and bus stations shelters.

During the year, we hosted five press conferences to announce our investigation reports and attended a number of media interviews to promote our work. We continued to work closely with our stakeholders through press conferences, media interviews, seminars and talks.

The presentation ceremony of The Ombudsman’s Awards was held on 2 November 2018. This year, we introduced a new organisation award on mediation to encourage Government departments and public organisations to resolve disputes by way of mediation. The Agriculture, Fisheries and Conservation Department won the Grand Award, whereas the Customs and Excise Department and the Fire Services Department were the runners-up. The newly introduced Award on Mediation was presented to the Housing Department. 55 public officers received individual awards for their effort in exemplary public service.

We build good rapport with ombudsmen from other parts of the world. In October 2018, the Ombudsman attended the Asian Ombudsman Association Board meeting in Baku, Azerbaijan. The Ombudsman, as Regional President of Australasia and Pacific Region (“APOR”) of the International Ombudsman Institute (“IOI”), joined the 40th Anniversary Celebrations of IOI in New York, USA in April 2018 and attended the IOI Board meeting and APOR Board meeting in Toronto, Canada in May 2018. In November 2018, an APOR Conference themed “Holding governments to account in a changing climate” with training programme, was held in Auckland, New Zealand and the Ombudsman chaired a business meeting with APOR members.

This year marks the 30th Anniversary of the Office. To commemorate this occasion, we produced a set of stamps which draws reference to the covers of our annual reports as well as our publicity activities in recent years. We look forward to further collaboration with our stakeholders in promoting a fair and efficient public administration.

Table 5
Caseload

	Reporting year[1]				
	14/15	15/16	16/17	17/18	18/19
Enquiries	**12,940**	**12,159**	**11,564**	**11,424**	**10,403**
Complaints					
(a) For processing	**6,241**	**6,112**	**5,732**	**5,587**	**5,808**
- Received	5,339[428]	5,244[213]	4,862[74]	4,829[68]	4,991[349]
- Brought forward	902	868	870	758	817
(b) Completed	**5,373[472]**	**5,242[224]**	**4,974[74]**	**4,770[61]**	**4,838[353]**
Pursued and concluded	**3,025[203]**	**3,100[205]**	**2,907[40]**	**2,724 [52]**	**2,912[344]**
- By inquiry[2]	2,573[78]	2,740[175]	2,556[16]	2,292[37]	2,502[326]
- By full investigation[3]	314[125]	226[30]	218[24]	195[15]	205[18]
- By mediation[4]	138	134	133	237	205
Assessed and closed	**2,348[269]**	**2,142[19]**	**2,067[34]**	**2,046[9]**	**1,926[9]**
- Insufficient grounds to pursue[5]	1,091[1]	1,187[4]	1,102	1,099	1,037[9]
- legally bound[6]	1,257[268]	955[15]	965[34]	947[9]	889
(c) Percentage completed = (b) / (a)	**86.1%**	**85.8%**	**86.8%**	**85.4%**	**83.3%**
(d) Carried forward = (a) – (b)	**868**	**870**	**758**	**817**	**970**
Direct investigations completed	**7**	**8**	**11**	**12**	**12**

Note 1. From 1 April to 31 March of the next year.
Note 2. Pursued under section 11A of The Ombudsman Ordinance, for general cases.
Note 3. Pursued under section 12 of The Ombudsman Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.
Note 4. Pursued under section 11B of The Ombudsman Ordinance, for cases involving no, or only minor, maladministration.
Note 5. Not pursued but closed for reasons such as lack of *prima facie* evidence, organisation concerned is taking action, mere expression of opinion.
Note 6. Outside the Office’s jurisdiction or restricted by The Ombudsman Ordinance.
[ ] Number of topical complaints.